RESOLUTION NO. R-2009-1335

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, UTAH, CREATING THE SPECIALLY FUNDED TRANSPORTATION SPECIAL SERVICE DISTRICT

WHEREAS, the Washington County Commission ("Commission") has determined that public health, convenience, and necessity require the establishment of a Special Service District to be named the Specially Funded Transportation Special Service District ("District") to serve transportation needs in the unincorporated areas of the county by receiving federal Secure Rural School Funds and expending them to improve public roads in the unincorporated areas of Washington County, pursuant to provisions of Article XI, Section 7 of the Utah Constitution and the Special Service District Act codified at Utah Code Annotated §§ 17D-1-101 through 17D-1-306 (1953, as amended) (the "Act"); and

WHEREAS, the property, residents, businesses and inhabitants within the boundary of the District will benefit from enhanced transportation due to improvement of roads within the unincorporated areas of Washington County; and

WHEREAS, on February 9, 2009, the Commission adopted Resolution No. R-2009-1312 to begin the process of creating the District; and

WHEREAS, in accordance with the Act and the February 9, 2009 Resolution, the Commission published legal notice of its intent to establish the District once a week for three consecutive weeks; and

WHEREAS, the Commission held a public hearing on March 23, 2009 and heard and considered each interested person desiring to be heard on the proposal to establish the District and gave full consideration to each written protest that had been received at that time, and

WHEREAS, the Commission gave full consideration to each written protest received after the public hearing; and

WHEREAS, the Commission considered all protests received and has determined that there are insufficient protests to prohibit the creation of the District; and

WHEREAS, the Commission has taken all actions and accomplished all matters required to create a special service district, and accordingly, does hereby determine the District shall be created in accordance with this Resolution and the Act.

NOW, THEREFORE, at a regular meeting of the legislative body of Washington County, Utah, duly called, noticed, and held on the 5th day of May, 2009, upon motion duly made and seconded, it is resolved as follows:

Section 1. Creation of District. There is hereby created and established in Washington County, Utah, a special service district, the area of which is described in Section 4, below. The District is ordered and declared duly formed, organized and established under and by virtue of the provisions of the Act and shall be a separate body corporate and politic and a quasi-municipal public corporation of the State of Utah.

Section 2. Name. The name of the District is the "Specially Funded Transportation Special Service District."

Section 3. Powers. The District shall have and exercise through its proper officers all of the rights, powers, and authority conferred upon special service districts by the Act and other applicable law, provided however:
A. No Power of Taxation. The District has no power of taxation; and
B. Limited Duration. The intent of the Commission is that the District be disbanded once Secure Rural School road funds are no longer available and have been expended.

Section 4. Boundary. The boundary and service area of the District shall include the unincorporated area of Washington County (see the attached map of the service area boundary).

Section 5. Purpose. The District is hereby empowered to receive federal Secure Rural School funds under Utah Code Annotated § 51-9-602 (1953, as amended) and to expend the funds for the purpose of constructing, improving, repairing, or maintaining public roads in the unincorporated areas of Washington County.

Section 6. Administration. The District shall be administered by an Administrative Control Board (the "Board") which is hereby delegated the power to act as the governing authority of the District and shall have and is hereby vested with all the powers, duties and responsibilities conferred upon the governing authority by the Act and other applicable laws with the following exceptions:
A. No Delegation of the Power to Tax. The Board has no authority to levy a tax on the taxable property within the District; and
B. No Delegation of Power to Levy Assessments. The Board has no authority to levy an assessment.

Section 7. Membership of the Board. The membership of the District's Board shall consist of five (5) members as follows:
A. Three Elected Members. The Commission will initially appoint three interim board members to serve until three members can be elected and take office after the first general election following creation of the District. The elected members serve four year terms. However, after the first

election following creation of the District, the three elected members will draw lots to select one elected member will serve an initial two-year term so that the terms of office will thereafter expire in alternating two-year cycles.

B. <u>Two Appointed Members</u>. The Commission will appoint two members of the board. The appointed members serve four-year terms, except that the initial terms of the two appointed members will be adjusted by lot to the length of service necessary to expire in alternating two-year cycles corresponding to the election of the elected members.

<u>Section 8</u>. <u>Rules and Regulations</u>. The Board shall adopt such rules and regulations necessary to govern its affairs and carry out the business of the District.

VOTED UPON AND PASSED BY THE WASHINGTON COUNTY COMMISSION AT A REGULAR MEETING HELD ON THE 5TH DAY OF MAY, 2009.

WASHINGTON COUNTY

_____
JAMES J. EARDLEY, Chair
Washington County Commission

ATTEST:

_____
Kim M. Hafen
Washington County Clerk/Auditor

Commissioner Eardley voted _____
Commissioner Gardner voted _____
Commissioner Drake voted _____